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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3519 OF 2005

The Director Sports and
Government of Maharashtra ... Petitioner

V/s.

1. Rashtriya Mazdoor Sangh
(INTUC) & Ors. ... Respondents

Mr.N.A. Kulkarni for Petitioner
Mr.K.S. Bapat for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **SEPTEMBER 1, 2005**

P.C.:

. This petition challenges the order of the Industrial Court declaring that the Petitioner has committed an unfair labour practice under Item 6 of Schedule IV of the MRTU & PULP Act. The Industrial Court has decided that the Balewadi Sports Complex is an industry and, therefore, the persons employed in the sports complex are workmen and they fall within the purview of the definition contained in section 2(s) of the Industrial Disputes Act. The Industrial Court has also found that the workmen have completed 240 days in service. However, all of them have been continued as temporary workmen. The Industrial Court has, therefore, concluded that this is an unfair labour practice under

Item 6 of Schedule IV of the MRTU & PULP Act. The Industrial Court has observed that there is nothing to show that efforts were made by the Petitioner to enter into any correspondence with the Government of Maharashtra for creation of posts in the Balewadi Sports Complex or that the posts of the workmen were not sanctioned. It is a well settled position in law that the provisions of the MRTU & PULP Act, under which the Complaint has been filed, must be strictly construed. In such circumstances, I see no reason to interfere with the findings of fact recorded by the Industrial Court in a petition filed under Articles 226 and 227 of the Constitution of India. Petition rejected.